



*Resolution
of the
Board of County Commissioners
St. Louis County, Minnesota*

Adopted on: February 28, 2006

Resolution No. 143

Offered by Commissioner: Fink

WHEREAS, on behalf of the taxpayers of St. Louis County, the St. Louis County Board of Commissioners continually seeks ways to keep the cost of county government as cost effective as possible; and

WHEREAS, the cost of St. Louis County government is significantly affected by mandates from the State of Minnesota; and

WHEREAS, the Minnesota State Legislature in 2005 passed legislation (M.S. 6.79) which allows local governments to file resolutions with the State Auditor which either object to particular state mandates or make recommendations for reforming particular state mandates; and

WHEREAS, the State Auditor has encouraged local governments to submit mandate reform proposals to her office and has expressed a willingness to partner with local governments in achieving those reforms;

WHEREAS, the State of Minnesota has been involved in the systematic shifting of costs to County property taxpayers for obligations which are rightly the responsibility of the State.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby submits to the State Auditor a certified copy of this resolution and the list of mandates, along with statute citations and comments, as candidates for repeal;

RESOLVED FURTHER, that the St. Louis County Board of Commissioners requests that the State Auditor take any measures available to aid the repeal of these mandates.

Commissioner Fink moved the adoption of the Resolution and it was declared adopted upon the following vote:

Yeas - Commissioners Fink, O'Neil, Kron, Forsman, Raukar, and Chair Nelson - 6

Nays - None

Out of Room - Commissioner Sweeney - 1

STATE OF MINNESOTA

Office of County Auditor, ss.
County of St. Louis

I, **DONALD DICKLICH**, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 28th day of February, A.D. 2006, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 28th day of February, A.D., 2006

DONALD DICKLICH, COUNTY AUDITOR

By

Deputy Auditor/Clerk of County Board

St. Louis County Public Health and Human Services Department disagrees with AMC in part on:

Human Services			
Mandate	Statute	Rule	Comments
Allow Cremation in Lieu of Burial & Eliminate Provision of Funeral Services	256.935		Current statute provides deceased indigent must be buried and further that his or her relatives must be allowed to use a funeral home of their choice. Cremation in lieu of burial should be an option as long as respectful of cultural and religious preferences. Provision of other funeral services should no longer be required.

County Burials – MS 261.035

Notes to AMC's list - cremation is allowed under 261.035 so AMC's language is not appropriate. However, this is an unfunded mandate. The statute that AMC is using refers to MFIP recipients only and references to pay at rates not exceeding those established under 261.035 plus actual cemetery costs. The language should simply be to eliminate the mandate or the state should fund it.

261.035 Funerals at expense of county.

When a person dies in any county without apparent means to provide for that person's funeral or final disposition, the county board shall first investigate to determine whether that person had contracted for any prepaid funeral arrangements. If arrangements have been made, the county shall authorize arrangements to be implemented in accord with the instructions of the deceased. If it is determined that the person did not leave sufficient means to defray the necessary expenses of a funeral and final disposition, nor any spouse of sufficient ability to procure the burial, the county board shall provide for a funeral and final disposition of the person's remains to be made at the expense of the county. Any funeral and final disposition provided at the expense of the county shall be in accordance with religious and moral beliefs of the decedent or the decedent's spouse or the decedent's next of kin. If the wishes of the decedent are not known and the county has no information about the existence of or location of any next of kin, the county may determine the method of final disposition

256.935 Funeral expenses, payment by county agency.

Subdivision 1. **Funeral expenses.** On the death of any person receiving public assistance through MFIP, the county agency shall pay an amount for funeral expenses not exceeding the amount paid for comparable services under section [261.035](#) plus actual cemetery charges. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expenses or if the spouse, who was legally responsible for the support of the deceased while living, is able to pay such expenses; provided, that the additional payment or donation of the cost of cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which the deceased resided, shall not limit payment by the county agency as herein authorized. Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient. In determining the sufficiency of such estate, due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any amount paid for funeral expenses shall be a prior claim against the estate, as provided in section [524.3-805](#), and any amount recovered shall be reimbursed to the agency which paid the expenses. The commissioner shall specify requirements for reports, including fiscal reports, according to section [256.01](#), subdivision 2, paragraph (17). The state share shall pay the entire amount of county agency expenditures. Benefits shall be issued to recipients by the state or county subject to provisions of section [256.017](#).